

My Ref

Your Ref

6 July 2021

Bart Bartkowiak
Case Manager - A57 Link Roads scheme
Planning Inspectorate

Dear Mr Bartkowiak,

Re. Adequacy of Consultation Representation request

Thank you for your letter dated 29 June 2021 in which you have invited both High Peak Borough Council and Derbyshire County Council to submit a Adequacy of Consultation representation in relation to the A57 Link Roads scheme. The two Councils have undertaken extensive joint working on the A57 Link Roads Scheme since 2018 and have submitted joint responses to Highways England on previous pre-application consultations, which are referred to below. More specifically, you have sought the Councils' view on whether the applicant (Highways England) has complied, with the following duties as set out in the Planning Act 2008 in relation to the application:

- Duty to consult – s42
- Duty to consult the local community – s47
- Duty to publicise – s48

In responding to this request, we have reviewed the Consultation Report as prepared by Highways England. We have also reflected on our experience of the consultation process as well as the concerns of some residents who have contacted the Council on this matter between 2018 and the current day. I will set out our position on each duty of the Act in turn below:

Duty to consult – s42

The Councils are satisfied that each local authority has been consulted along with relevant land owners. However, in relation to the prescribed consultees, based upon a review of the Consultation Report (Appendix G), it does not appear as though Derbyshire Fire and Rescue Service were consulted in 2018. Only Greater Manchester Fire and Rescue Service are referenced at this stage. Both Fire Services are identified as consultees in Appendix P which relates to the 2020 consultation. This matters has been raised with Highways England who have explained that Derbyshire Fire and Rescue Service were indeed consulted in 2018.

Duty to consult the local community – s47

Section 47 of the Act requires the applicant to prepare a statement (Statement of Community Consultation) setting out how they will consult on the proposals and to seek feedback from the local authorities on this. In preparing the Statement, the applicant must have regard to any such feedback from the local authorities. The Statement must then be made available for wider inspection and the consultation on the scheme must be made in accordance with it.

In relation to the 2018 consultation, feedback was sought from the Councils on the draft Statement of Community Consultation and changes were subsequently made to it by the applicant with a new deposit location for consultation documents being added. The 2018 consultation was subsequently undertaken in line with the final Statement of Community Consultation and published in line with the requirements.

Notwithstanding the above, the two Councils raised concerns in response to the 2018¹ consultation regarding the absence of supporting evidence and information in the Preliminary Environmental Impact Report (PEIR). Without such information, consultees were not able to respond from an informed position insofar as the likely traffic related impacts of the scheme. Similar concerns about the consultation were brought to our attention by a local resident and the Campaign to Protect Rural England.

Feedback was again sought on the draft 2020 Statement of Community Consultation. At this time, the consultation arrangements were made in the context of the Covid-19 pandemic. The Borough Council requested that the proposed boundary of the consultation area be extended to ensure that it included all of the wards within the Glossopdale area. The wards Padfield, Charlesworth and part of Old Glossop appeared to be excluded. This would mean properties in these areas would not receive details of the consultation via post unless requested. Direct notification and information sharing in this manner was considered to be more important given the impact of the pandemic on the ability for people to engage with the consultation.

Unfortunately, Highways England did not revise the Statement of Community Consultation to address this point. Their reasons for not meeting this request are set out in the Consultation Statement. It is acknowledged that the applicant only has to have regard to comments on the Statement of Community Consultation but it is regrettable that they were unable to accommodate this request given the circumstances. The Statement was updated to reflect the fact that the Council's offices in Glossop were closed to the public and therefore unavailable as a deposit location. It is agreed that the consultation was broadly in line with the final published 2020 Statement of Community Consultation.

¹ Joint response to the 2018 Trans-Pennine Upgrade consultation submitted by High Peak Borough Council and Derbyshire County Council on 22 March 2018.

This included some alternative methods to facilitate community engagement within the confines of Covid-19 related restrictions. Nevertheless, concerns about this consultation have been brought to the attention of the Council. They include:

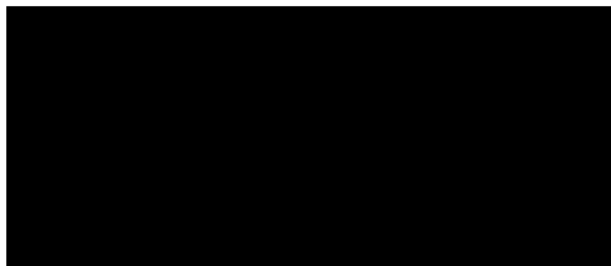
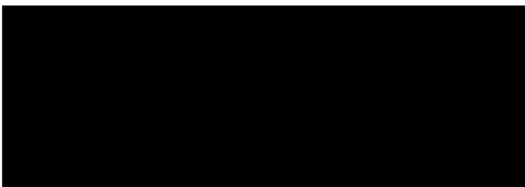
- Phone lines were not always manned as advertised
- Some residents felt the webinars were dismissive and offered little opportunity to give genuine feedback.
- Questions raised at the events about the impact on Tintwistle were ignored as being "out of scope"
- There were no additional follow up options to air your views if the events were not satisfactory
- More effort should have been made to hold safe in-person events

Furthermore, again insufficient information was published with the consultation in 2020 to enable the Councils and the local community to determine the likely impacts of the scheme. Accordingly, as in 2018, High Peak Borough Council and Derbyshire County Council submitted a holding objection to the scheme on this basis². The Borough Council has received multiple letters from residents which raise similar concerns.

Duty to publicise – s48

Section 48 of the Act requires that the applicant must publicise the application in the prescribed manner. This is understood as meaning that formal notices are placed in relevant newspapers. The applicant's Consultation Statement and relevant appendices (K & V) demonstrate that notices were published in various newspapers as required, including in the Tameside Reporter. Whilst the Glossop Chronicle is understood to form part of the same media group as the Tameside Reporter, it is not clear from the Consultation Statement if the notices were also published in the newspaper local to the Glossop area.

Yours sincerely,



² Joint response to the 2020 A57 Link Roads Project consultation submitted by High Peak Borough Council and Derbyshire County Council on 14 December 2020.

Neil Rodgers
Executive Director
Place
High Peak Borough Council

Chris Henning
Executive Director
Place
Derbyshire County Council